

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**OSCAR GARNER,
Plaintiff,**

v.

Case No. 15-C-777

**JAMES MUENCHOW, et al.,
Defendants.**

ORDER

This matter comes before me on two pending motions: (1) plaintiff's motion for order setting a deadline for returning the appeal fee; and (2) plaintiff's motion for ruling on appointment of counsel before mediation.

On December 28, 2017, I ordered defendants to pay plaintiff's appellate filing fee (\$505.00). Docket No. 99. Plaintiff filed a motion, on February 9, 2018, indicating that he still has not received payment from defendants. Docket No. 102. Defendants explain that they have already requested two checks for payment of plaintiff's appellate filing fee: one to plaintiff in the amount of \$82.78 (for the amount plaintiff already paid) and the other to the Clerk of Court in the amount of \$422.22 (the remaining balance of plaintiff's appellate filing fee). Docket No. 103. Defendants indicate that it takes about 30 days to process payment and plaintiff should receive payment on or before March 2, 2018. The Clerk of Court received payment on February 21, 2018. Therefore, I will deny as unnecessary plaintiff's motion for order setting a deadline for returning the appeal fee.

On February 1, 2018, I ordered the parties to discuss the possibility of settlement Docket No. 100. I noted that if the parties could not reach settlement by the April 4,

2018 status conference, I would consider ordering mediation. *Id.* At this time, plaintiff's request for counsel is premature.

For the reasons stated, **IT IS ORDERED** that plaintiff's motion for order setting a deadline for returning the appeal fee (Docket No. 102) is **DENIED**.

IT IS ORDERED that plaintiff's motion for ruling on appointment of counsel before mediation (Docket No. 105) is **DENIED**.

Dated at Milwaukee, Wisconsin, this 17th day of March, 2018.

s/Lynn Adelman

LYNN ADELMAN

District Judge